

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

KLUBER SKAHAN & ASSOCIATES,	)	
INC., an Illinois corporation,	)	
	)	No. 08-C-1529
Plaintiff,	)	
v.	)	Judge Zagel
	)	
CORDOGAN, CLARK & ASSOC., INC.,	)	Magistrate Judge Nolan
an Illinois corporation, and JEYEONG	)	
KIM, an individual,	)	JURY TRIAL DEMANDED
	)	
Defendants.	)	

**PLAINTIFF’S RESPONSE TO DEFENDANTS’  
MOTION TO DISMISS PLAINTIFF’S COMPLAINT**

Pursuant to Local Rule 78.3 of the Local Rules of the Northern District of Illinois, Plaintiff, Kluber Skahan & Associates, Inc. (“KS+A”), hereby responds to the Motion to Dismiss Plaintiff’s Complaint filed by Defendants Cordogan, Clark & Assoc., Inc. (“Cordogan”) and Jeyeong Kim (“Mr. Kim”) (collectively, “Defendants”).

On March 14, 2008, Plaintiff KS+A filed its Complaint against Cordogan and Mr. Kim. (Docket No. 1). Defendants filed a Motion to Dismiss Plaintiff’s Complaint on April 7, 2008 pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6) (“Motion to Dismiss”). (Docket No. 12). A hearing was held on this matter on April 15, 2008 and the Court granted KS+A until June 3, 2008 to respond to Defendants’ Motion to Dismiss or file an amended complaint. (Docket No. 17). KS+A files concurrently herewith its First Amended Complaint for Willful Copyright Infringement, Violation of the Computer Fraud and Abuse Act and Illinois State and Common Law Causes of Action Seeking Injunctive Relief and Damages (“First Amended Complaint”). In light of KS+A’s filing of its First Amended Complaint, and pursuant to the Court’s order of April 15, 2008, Defendants’ Motion to Dismiss is moot, and KS+A respectfully requests that said motion be vacated. A proposed Order is being submitted pursuant to Judge Zagel’s Case Management Procedures.

Respectfully submitted,

Dated: June 3, 2008

By: /s/ Joseph T. Kucala, Jr.

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